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**SUBSTITUTE HOUSE BILL 3332**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House Commerce & Labor (originally sponsored by Representatives Conway, Green, Grant, Pettigrew, Sullivan, Fromhold, Priest, Simpson, and Kenney)

READ FIRST TIME 02/05/08.

1       AN ACT Relating to financial negotiations between civil service  
2 unions and institutions of higher education following October 1st; and  
3 amending RCW 41.80.010.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 41.80.010 and 2002 c 354 s 302 are each amended to  
6 read as follows:

7       (1) For the purpose of negotiating collective bargaining agreements  
8 under this chapter, the employer shall be represented by the governor  
9 or governor's designee, except as provided for institutions of higher  
10 education in subsection (4) of this section.

11       (2)(a) If an exclusive bargaining representative represents more  
12 than one bargaining unit, the exclusive bargaining representative shall  
13 negotiate with each employer representative as designated in subsection  
14 (1) of this section one master collective bargaining agreement on  
15 behalf of all the employees in bargaining units that the exclusive  
16 bargaining representative represents. For those exclusive bargaining  
17 representatives who represent fewer than a total of five hundred  
18 employees each, negotiation shall be by a coalition of all those  
19 exclusive bargaining representatives. The coalition shall bargain for

1 a master collective bargaining agreement covering all of the employees  
2 represented by the coalition. The governor's designee and the  
3 exclusive bargaining representative or representatives are authorized  
4 to enter into supplemental bargaining of agency-specific issues for  
5 inclusion in or as an addendum to the master collective bargaining  
6 agreement, subject to the parties' agreement regarding the issues and  
7 procedures for supplemental bargaining. This section does not prohibit  
8 cooperation and coordination of bargaining between two or more  
9 exclusive bargaining representatives.

10 (b) This subsection (2) does not apply to exclusive bargaining  
11 representatives who represent employees of institutions of higher  
12 education, except when the institution of higher education has elected  
13 to exercise its option under subsection (4) of this section to have its  
14 negotiations conducted by the governor or governor's designee under the  
15 procedures provided for general government agencies in subsections (1)  
16 through (3) of this section.

17 (c) If five hundred or more employees of an independent state  
18 elected official listed in RCW 43.01.010 are organized in a bargaining  
19 unit or bargaining units under RCW 41.80.070, the official shall be  
20 consulted by the governor or the governor's designee before any  
21 agreement is reached under (a) of this subsection concerning  
22 supplemental bargaining of agency specific issues affecting the  
23 employees in such bargaining unit.

24 (3) The governor shall submit a request for funds necessary to  
25 implement the compensation and fringe benefit provisions in the master  
26 collective bargaining agreement or for legislation necessary to  
27 implement the agreement. Requests for funds necessary to implement the  
28 provisions of bargaining agreements shall not be submitted to the  
29 legislature by the governor unless such requests:

30 (a) Have been submitted to the director of the office of financial  
31 management by October 1 prior to the legislative session at which the  
32 requests are to be considered; and

33 (b) Have been certified by the director of the office of financial  
34 management as being feasible financially for the state.

35 In the case of a bargaining unit of employees in which the  
36 exclusive bargaining representative is certified during or after the  
37 conclusion of a legislative session, the legislature may act upon the  
38 compensation and fringe benefit provisions of the unit's initial

1 collective bargaining agreement if those provisions are agreed upon and  
2 submitted to the office of financial management and legislative budget  
3 committees prior to final legislative action on the budget or  
4 supplementary budget by the sitting legislature or the succeeding  
5 legislature as the case may be.

6 The legislature shall approve or reject the submission of the  
7 request for funds as a whole. The legislature shall not consider a  
8 request for funds to implement a collective bargaining agreement unless  
9 the request is transmitted to the legislature as part of the governor's  
10 budget document submitted under RCW 43.88.030 and 43.88.060. If the  
11 legislature rejects or fails to act on the submission, either party may  
12 reopen all or part of the agreement or the exclusive bargaining  
13 representative may seek to implement the procedures provided for in RCW  
14 41.80.090.

15 (4) For the purpose of negotiating agreements for institutions of  
16 higher education, the employer shall be the respective governing board  
17 of each of the universities, colleges, or community and technical  
18 colleges or a designee chosen by the board to negotiate on its behalf.  
19 A governing board may elect to have its negotiations conducted by the  
20 governor or governor's designee under the procedures provided for  
21 general government agencies in subsections (1), (2), and (3) of this  
22 section. Prior to entering into negotiations under this chapter, the  
23 institutions of higher education or their designees shall consult with  
24 the director of the office of financial management regarding financial  
25 and budgetary issues that are likely to arise in the impending  
26 negotiations. If appropriations are necessary to implement the  
27 compensation and fringe benefit provisions of the bargaining agreements  
28 reached between institutions of higher education and exclusive  
29 bargaining representatives agreed to under the provisions of this  
30 chapter, the governor shall submit a request for such funds to the  
31 legislature according to the provisions of subsection (3) of this  
32 section.

33 (5) There is hereby created a joint committee on employment  
34 relations, which consists of two members with leadership positions in  
35 the house of representatives, representing each of the two largest  
36 caucuses; the chair and ranking minority member of the house  
37 appropriations committee, or its successor, representing each of the  
38 two largest caucuses; two members with leadership positions in the

1 senate, representing each of the two largest caucuses; and the chair  
2 and ranking minority member of the senate ways and means committee, or  
3 its successor, representing each of the two largest caucuses. The  
4 governor shall periodically consult with the committee regarding  
5 appropriations necessary to implement the compensation and fringe  
6 benefit provisions in the master collective bargaining agreements, and  
7 upon completion of negotiations, advise the committee on the elements  
8 of the agreements and on any legislation necessary to implement the  
9 agreements.

10 (6) If, after the compensation and fringe benefit provisions of an  
11 agreement are approved by the legislature, a significant revenue  
12 shortfall occurs resulting in reduced appropriations, as declared by  
13 proclamation of the governor or by resolution of the legislature, both  
14 parties shall immediately enter into collective bargaining for a  
15 mutually agreed upon modification of the agreement.

16 (7) After the expiration date of a collective bargaining agreement  
17 negotiated under this chapter, all of the terms and conditions  
18 specified in the collective bargaining agreement remain in effect until  
19 the effective date of a subsequently negotiated agreement, not to  
20 exceed one year from the expiration date stated in the agreement.  
21 Thereafter, the employer may unilaterally implement according to law.

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